OPINIONS TO THE ADJUTANT-GENERAL.

MILITARY COMPANIES.

Raleigh, N. C., October 21, 1907.
Attorney-General's Department,

Hon. Thomas R. Robertson, *Adjutant-General, Raleigh, N. C.*

Dear Sir:—Replying to your favor requesting an opinion upon sections 4898 and 4899 of the Revisal of 1905 as amended by the General Assembly of 1907, as to the right of the Governor of North Carolina to organize more than six divisions of naval reserves or militia, I beg to state that I am of the opinion that he has no right to organize more than six divisions of the naval militia.

If you will notice, section 4898 states that: "He may allow to be enrolled not more than six companies, to be designated as divisions."

The word "may" when used in a statute with reference to the duties of a public officer is tantamount to "shall."

Vason v. City of Augusta, 38 Ga., 542.

And as the next section, to-wit, section 4899, prescribes that the pay shall be limited to six divisions of the naval militia, I take it that this clearly means that he shall enroll only six divisions.

Very truly yours,   Hayden Clement,
Assistant Attorney-General.

MILITARY OFFICERS.

Attorney-General's Department,
Raleigh, N. C., September 12, 1908.

Hon. Thomas R. Robertson, *Adjutant-General, Raleigh, N. C.*

Dear Sir:—Replying to your favor requesting an opinion as to whether C. D. Bradham, of New Bern, is legally in possession of the office of Commander of Battalion, Naval Brigade, N. C. N. G., I beg to state that I have made a careful examination of the papers and the law bearing upon the matter submitted.

Section 21 of the Public Laws 1895, being General Order No. 7, it being the law governing the North Carolina National Guard, provides as follows: "Field officers of regiments and battalions, and of corresponding grades in the naval brigade, shall be elected by the commissioned officers of the regiments and naval brigade, and company, battery, troop and naval division officers shall be elected by the enlisted men of such company, battery, troop and naval division at such